

## Visa Regulations for International Students Attending U.S. Public Schools

Entry into the United States for the purpose of attending a public school for up to twelve months is granted through approval of an application for a **J-1** or an **F-1 visa**.

### **I. J-Visa**

**The J-Visa** is a non-immigrant visa, and exchange visitors under this designation are expected to return to their home countries after completion of their program. Only students participating in an officially approved exchange program are eligible for J-1 visa applications. AFS, Youth for Understanding, or Rotary are examples of such exchange programs.

Students entering the country as J-1 students **do not pay tuition to the hosting school**. They are **not permitted to reside with relatives**.

The Bureau of Educational and Cultural Affairs at U.S. Department of State oversees and regulates all aspects of J-1 Exchange Visitor Programs. Please refer to the following websites for more detailed information:

<http://exchanges.state.gov/index.html>

<http://exchanges.state.gov/jexchanges/index.html>

<http://exchanges.state.gov/jexchanges/programs/hsstudent.html>

### **II. F-Visa**

Non-immigrant students who plan to attend U.S. public schools through private arrangements and not through an organization (see J-1 visa information) apply for an **F-1 visa** for entry into the country. **F-1 visiting students must provide evidence of full tuition payment** to the hosting school to be eligible for F-1 status (see below for more details).

**The F-1 category** includes academic students in colleges, universities, seminaries, conservatories, academic **high schools** (not elementary or middle schools), other academic institutions, Fine Arts, and language training. For Federal regulations concerning F-1 students visit <http://www.ice.gov/sevis/schools/regarchive.htm>

**The application process for an F-1 visa:**

- **What International Students Need to Do:**

- Students provide a completed **I-20 form** to a U.S. consular office in their home country to apply for an F-1 visa. Form I-20 is issued by the hosting school.
- For complete information on how to obtain an F-1 visa, visit [http://travel.state.gov/visa/temp/types/types\\_1268.html](http://travel.state.gov/visa/temp/types/types_1268.html)

**Important note:**

**Can students come to live with U.S. citizen relatives while attending public school?**

Foreign students may come to the U.S. to live with U.S. citizen relatives while attending public school. The child is limited to twelve months of study in secondary school (high school). The child may not study in elementary (or middle) school. It should be noted however, that the student's status as a resident of the school district and the fact that the U.S. citizen has paid local property/school taxes is irrelevant and does not fulfill the cost reimbursement requirement of the Immigration and Nationality Act (INA) 214 (m). Therefore, the full tuition costs must be paid to the school or school district.

- **What Schools Need to Do:**

- In order to issue the I-20 form, a school will need to register by filing form I-17 with the U.S. Citizenship and Immigration Services (USCIS). Once certified, the school has access to SEVIS and may issue Forms I-20, Certificate of Eligibility for Student Status, to prospective students.

Please visit [http://www.ice.gov/sevis/i17/i17\\_3.html](http://www.ice.gov/sevis/i17/i17_3.html) for details on how to file form I-17.

**Note that it takes approximately 90 days for the approval process to be completed. The current fee for filing the application is \$1700.**

For details regarding **restrictions on foreign students attending U.S. schools** visit [http://travel.state.gov/visa/temp/types/types\\_1269.html](http://travel.state.gov/visa/temp/types/types_1269.html)

For a list of **SEVIS approved schools in Wisconsin** (schools that can issue the I-20 form) visit

<http://www.ice.gov/sevis/map/wi.htm>.

### **EXCERPTS from the Legal Requirements for F-1 Foreign Students in Public Schools:**

Congress has enacted limitations on certain foreign students planning to study in U.S. public elementary and secondary schools. Section 625 of Public Law 104-208, which took effect on November 30, 1996, places the following restrictions on foreign students in F-1 immigration status:

- Prohibits their attendance in public elementary or middle schools (grades K through 8) or publicly-funded adult education programs;
- Limits their attendance in public secondary schools (grades 9 through 12) to a maximum of 12 months; and
- Requires them to reimburse public secondary schools for the full, unsubsidized per capita cost of education for the intended period of study.

**These provisions affect only foreign students in F-1 immigration status**, or who obtain F-1 student visas - in other words, those to whom Form I-20 would be issued. The provisions do not affect foreign students in any other immigration status, for example J-1 exchange visitors, or dependents of foreign nationals in the United States on long-term visas.

Likewise, the new provisions do not affect foreign students attending private schools or private training or language programs. However, F-1 students who wish to transfer from private schools or programs into public schools or programs must meet the public school requirements.

### **Suggestions for preparing Form I-20**

Public secondary schools issuing Form I-20 should list the full unsubsidized per capita cost of education under "tuition" in item 7. The student's payment should be noted under "Remarks." Because F-1 foreign students are limited to a maximum of 12 months in U.S. public secondary schools, the program duration listed in item 5 should not exceed the student's 12-month limit.

The U.S. Department of Education has provided the following information on **calculating the cost of education under Section 625:**

### **What is meant by "the full, unsubsidized per capita cost of providing education?"**

Each Local Educational Agency (LEA) is responsible for determining "the full unsubsidized per capita cost of providing education," for the purposes of Section 625. The determination should be made in accordance with applicable policy in the LEA's state, if any. A variety of approaches are acceptable, as long as they arrive at a reasonable estimate of the full, unsubsidized per capita cost. Two examples follow:

-- The per capita (per student) cost may be determined by dividing the sum of all public expenditures (see below) of the school or school district by the number of students in the school or school district.

-- If the LEA has established a tuition charge for students attending public secondary schools located in a district outside the district in which the student resides, the LEA may use this charge as the basis for determining the per student cost -- if the LEA believes that the tuition reflects the "full per capita cost" of education for the school or LEA in question. If the tuition does not cover all public expenditures, it must be adjusted to do so for the F-1 student.

**What does "unsubsidized" mean with respect to the cost of providing education?**

The unsubsidized cost is the LEA's total expenditure per student, excluding any fees and charges to the individual student. It includes expenditures from all public revenue sources including local, state and federal funds. All public expenditures would include all operating and capital expenditures (such as for instructional, support and non-instructional services; equipment acquisition; and facilities and construction), from all public revenue sources.

**Does a K-12 district need to compute a separate per student cost for secondary students?**

No. Unified school districts may utilize the K-12 per student cost, rather than computing a separate per student cost for secondary students. Alternatively, the LEA may choose to compute cost on a school-by-school basis.

**What is the per student basis to be used in calculating the unsubsidized per capita cost for F-1 students? Is it fall membership, average daily attendance or average daily membership?**

The per student basis used should be the same as that used by the LEA, in accordance with state law or policy, for calculating per student cost or non-resident tuition for students from other school districts.